

Message Text

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PAGE 01 GENEVA 02045 031301 Z

53

ACTION IO-13

INFO OCT-01 ADP-00 IOE-00 MBFR-03 ACDA-19 GAC-01 PRS-01

PM-09 NSC-10 SS-15 RSC-01 L-03 CIAE-00 INR-10 NSAE-00

DODE-00 AEC-11 AECE-00 AF-10 ARA-11 EA-11 EUR-25

NEA-10 RSR-01 SSO-00 NSCE-00 USIE-00 INRE-00 /165 W

----- 095144

O 031245 Z MAY 73

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 9111

INFO USUN NEW YORK IMMEDIATE 8748

C O N F I D E N T I A L GENEVA 2045

E. O. 11652: GDS

TAGS: PFOR, UN

SUBJ: DEFINITION OF AGRESSION COMITTEE: LEGAL USES OF FORCE

REF: A) GENEVA 2032, B) GENEVA 2033

1. IN REF B, DELETE WORDS " OR ACTS" FROM PARA 2, SUB PARA
A, BEGINNING LINE 4.

2. AS NOTED REF A, PARA 6, IT WAS AGREED IN SIX- POWER
DISCUSSION THAT SOME STRONGER LANGUAGE WOULD BE DESIRABLE
TO ASSURE THAT DOA WOULD NOT INTERFERE IN ANY WAY WITH
RIGHT OF SELF- DEFENSE AND OTHER LEGAL USES OF FORCE.
IT WAS ON BASIS THIS DISCUSSION THAT WE SUGGESTED TO SIX
TEXT SENT REF B.

3. WE BELIEVE LANGUAGE WOULD ACHIEVE FOLLOWING OBJECTIVES:
(A) BRING IN CONCEPT OF PROPORTIONALITY BY REFERENCE TO
FORCE " REASONABLY NECESSARY FOR EFFECTIVE EXERCISE OF
RIGHT OF SELF- DEFENSE", THUS (PERHAPS) MAKING INCLUSION
OF REF TO INDIRECT USES OF FORCE EASIER FOR " NON- ALIGNED"
TO ACCEPT.

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PAGE 02 GENEVA 02045 031301 Z

(B) SUBSUME PROBLEM OF USE OF FORCE BY REGIONAL ORGANIZATIONS
UNDER BLANKET FORMULA OF " COLLECTIVE DECISION IN ACCORDANCE
WITH CHARTER."

(C) MAKE POSSIBLE SOMEWHAT LESS EMPHASIS ON " INTENT" AS
BASIC ELEMENT OF AGGRESSION BY MAKING CLEAR THAT ACTS
LAWFUL UNDER CHARTER (HENCE CARRIED OUT WITH LAWFUL INTENT)
NOT INCLUDED.

4. GENERAL DISCLAIMER LANGUAGE (FIRST PARA, ALTERNATIVE 1
UNDER " LEGAL USES OF FORCE" IN WG REPORT, P. 16) WOULD
ALSO BE INCLUDED TO MAKE IT CLEAR THAT THIS IS NOT A
DEFINITION OF RIGHT OF SELF- DEFENSE (IE NON- INCLUSION OF
PARTICULAR ACT IN LIST DOES NOT IMPLY THERE IS NO RIGHT OF
SELF- DEFENSE AGAINST THAT ACT).
BASSIN

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NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

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30 JUN 2005

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